IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 11820 of 2004(F)

PETITIONER:

ABDULLA TIMBER, AGED 48 YEARS,
S/O. M.B.MAMMUNJI, MEMBER, MANGALPADY GRAMA PANCHAYATH, KASARAGOD.

BY ADV. SRI.M.SASINDRAN,
SRI.TOJAN J. VATHIKULAM.

RESPONDENTS:

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1. **THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.**
2. **THE PRESIDENT, MANGALPADY GRAMA PANCHAYAT, KASARAGOD.**
3. **THE SECRETARY, MANGALPADY GRAMA PANCHAYAT, KASARAGOD.**
4. **THE MANGALPADY GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, MANGALPADY, KASARAGOD.**

BY ADV. SRI.P.K.MUHAMMED FOR R2 TO R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.11820/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER IN O.P. 1314/01 DTD. 26/04/2002.

EXT.P.2: COPY OF THE COMPLAINT IN FORM A UNDER RULE 7 ALONGWITH THE DESCRIPTION OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE R.1.

EXT.P.3: COPY OF THE ORDER IN RP NO. 16/2003 IN OP.1314/01 DTD. 31/01/2004.

EXT.P.4: COPY OF THE PETITION DTD. 03/02/2004.

EXT.P.5: COPY OF THE NOTICE NO. D.365/2004 DTD. 23/03/2004 ISSUED BY THE R.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 11820 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) issue a writ of certiorari calling for the recovery leading to Exts. P3 and P5, declare the same to be illegal, arbitrary and violative of the principles of natural justice and quash the same.
>
> ii) issue a writ of mandamus or any other writ, order or direction directing the 1st respondent to consider and pass orders allowing Ext. P4 petition filed by the petitioner and to proceed with Ext. P2 complaint afresh in accordance with law.

2. Since the main ground of attack is violation of the principles of natural justice, I quash Exhibit P5 with a direction to the first respondent to consider and dispose of Exhibit P4 in accordance with law, expeditiously, with notice to the petitioner and fourth respondent.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp